

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
JASPER DIVISION**

JOHN PAUL BURNETT,
Plaintiff,

v.

MARION COUNTY JAIL,
Defendant.

6:23-cv-1438-CLM-SGC

MEMORANDUM OPINION

John Paul Burnett, who is proceeding pro se, sues the Marion County Jail under 42 U.S.C. § 1983. (Doc. 1). The magistrate judge has entered a report, recommending that the court dismiss Burnett's complaint under 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief can be granted because (1) the Marion County Jail, which is the only named defendant, is not a proper party; (2) Burnett has not alleged the extreme conditions needed to sustain his Fourteenth Amendment claim challenging the living conditions at the Marion County Jail; and (3) the court cannot grant Burnett the injunctive relief he seeks. (Doc. 13).

Burnett was advised of his right to file written objections to the Report and Recommendation within 14 days, but to date, the court has not received objections or other response from Burnett. The United States Postal Service also returned the Report and Recommendation as undeliverable with the following notations: "Moved, Left No Address;" "Return to Sender;" "Not Deliverable as Addressed;" and "Unable to Forward." (Doc. 14). Burnett has not maintained a current mailing address with the court, the court has no way to communicate with him, and the record reflects no attempt by Burnett to continue prosecuting this action.

After careful consideration of the record, including the magistrate judge's report, the court **ADOPTS** the report and **ACCEPTS** the recommendation. (Doc. 13). Consistent with that recommendation and 28 U.S.C. § 1915A(b), the court will dismiss this case without prejudice for failure to state a claim upon which relief may be granted.

The court will enter a separate final judgment that carries out these findings and closes this case.

Done on July 22, 2024.

A handwritten signature in cursive script, reading "Corey L. Maze", is positioned above a horizontal line.

COREY L. MAZE
UNITED STATES DISTRICT JUDGE